IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7775 OF 2006

YOGESH MADHUKAR KALYANKAR ..PETITIONER

V/S

KRISHNAI SAHAKARI PATSANSTHA ..RESPONDENT

Vishwanath S. Talkute for the Petitioner.
None for the Respondent.

CORAM : A.P. DESHPANDE, J.

DATE : 9TH JANUARY, 2007.

P.C.

1. The Petitioner was working as a clerk cum cashier with the Respondent - Credit Society. An enquiry was made against him touching the mis-conduct and the Petitioner came to be dismissed from the service on 5th August 2005. Aggrieved by the order of dismissal, a complaint has been filed by the Petitioner before the Labour Court under MRTP & PULP Act, alongwith an application seeking interim relief. The Labour Court by an order, dated 21st January, 2006

directed re-instatement of the petitioner pending the decision of the complaint. Aggrieved by the said order, a Revision was filed before the Industrial Court. The Industrial Court allowing the Revision has set aside the impugned order. The petitioner is out of service since more than a year and hence it would not be proper to consider the prayer for re-instatement pending the decision of the complaint. The Industrial Court also observed that the petitioner is found to have committed serious acts of mis-conduct and hence, reversed the order passed by the Labour Court. It is only in exceptional case that a person can be directed to be reinstated pending the decision of the complaint and the present case is not falling in that category. Hence, no interference is called for. In the result, the Writ Petition is summarily rejected.

2. Learned counsel for the petitioner at this stage states that he be permitted to make application seeking payment of amount equal to subsistence allowance before the Labour Court. It shall be open for the petitioner to make such

application before the Labour Court. I hope and

trust that the Labour Court will decide the complaint within 6 months. Learned counsel for the petitioner expressed an apprehension that the Labour Court may be influenced by the observations made by the Industrial Court and this court, while deciding the main complaint. The apprehension is unfounded as the said observations are prima facie in nature.

(A.P. DESHPANDE, J.)